P 50.

File No. 276

Collection No.

1885

Simpson Residency

12/1/97
17.1.

Pros. / Serial Nos. 1 & 2.

45

Subject.

Transfer in 1885 of 21 miles of military roads to the municipality with a grant of Rs 6300 a year for upkeep

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Previous References.

Later References.

Municipal Office file 148/1908 cuds

F 38/13

F 183/99

F 543/1901

F 84/1904

F 188/26

MGIPC—FP—725DCF—S&P—(G-1576)—14-3-28—60,000.

Jun R

The enclosed cabin dated Calcutta. 29. 12. 29. for Delph. no 8355. I. A. explains all the case in Travancore in the exclusive possession of the hereditary authorities but word is said about roads. This subject should be borne in mind as we go forth coming controversy with the only authorities about the roads

1671

R. P.B.—6-1904.—1,000.

RESIDENT'S OFFICE.

Note Sheet.

File No.

Letter No. *dated*

from

SUBJECT

Res:

I don't think there is any doubt about this matter but I am having it looked up. The original writer of course makes no mention of wards & when blocks of land or hilltop bounded by roads as mentioned it is perfectly obvious that the ward makes the boundary & that the land block goes up to but does not include the road. The same holds good when blocks of land both sides of a road are handed over.

2. I understand that the Military claim is based on

(a) a map in their possession showing

these words claimed as Military land
(b) a payment by them of a contribution
& their upkeep

3. As & (a) the onus is nothing
unless they can give specific authority
& support it in detail & on
our side we can shew maps which
distinctly ~~land~~ leave every road,
even when between blocks of military
land uncoloured. Also we
take our stand on sections 5. 6.
& 73 of the Munc Law, & they
must shew a notice by S.S.
handing over the road

4. As & (b) & then having kept worked
up & shew origin of this payment
But a contribution means nothing
See § 70 of Munc Law which provides
specifically for Military contributions
& Munc works which may
exempt the inhabitants of the
military exempted areas. This
completely covers a payment made
for upkeep of roads. They also
contribute & upkeep of those main sewers
which is admittedly Municipal.

R. Wakely
6.1

refuse the matter time + asked me to settle it with the military. I am trying to do so now + have suggested that the military should depute somebody to go with the free-cutting parties + watch the work in their interest. All this time I have said nothing about the fact that we deny that the military have any authority on the roads as I understood that you wished me to avoid raising the point if possible. At the same time my silence on the point will probably be construed as acquiescence in their claims, particularly as I have that we have before this not taken up a strong line in asserting our authority on these roads. Do you think I should continue on

BANGALORE
C & M
STATION
MUNICIPALITY

Jan. 14th

Dear Sir James Bowdillon

In the matter of the electric poles on Military Roads — it seems up to a few days ago that the Engineers were going to settle the matter with the Military after all there [illegible] the Sup[t] Engineer

these lines or say anything securing our power to contest the Military claims? The part of my office as mediator in instance will apparently be the settlement of compensation to be accepted by the Military. Do you think it safe for me to acquiesce in this?

I should like to see you when you come in on 17th if you are not too busy.

Yours sincerely P. Lumsden

DAR

The question of the relative authority of the military and the naval commission over Midway Roads was discussed this morning with yourself and Mr. Hoover

The matter is by no means free from doubt. Happens that by an arrangement made in

1892 and renewed from time to time about 75 miles of military roads remain over to the Mysore Commission — and at the same time a contribution of Rs 10,000 a year is made to them to be spent on those roads

The question — how far by this action the military authorities have surrendered control over these roads and how far the Mysore Commission have acquired effective control. Clearly the proper construction is believed to be that the military authorities because they have never been challenged, and because the temporary character of the arrangement shows that the military authorities retain the right from time to time to review the arrangement, and to resume control of the roads themselves

On the other hand these roads are not declared in the notification of the Govt of India noted in the margin to be military land, they are not marked as military land in the revised map of those lands, and from the Mysore point of view Sec 73 of the Bangalore Municipal Law vests them in the Mysore Commissioners in the admitted absence of any notification under section 5 of the Act

For Dept. 3955. A&17 A-6 Feb 1893 99
I.A. dated Calcutta 29.12.1892.

Hon. pro. would to Hon. move do so and also say that the relative position of the Military authorities and the G.O.C. Municl Commission in regard to the so-called Military Roads is far from clear request him to write to the D.A.A.G. and explain that the question of control over the roads is one which is not free from doubt: he should request him to say exactly what control is claimed by the Military authorities over the roads which are called Military Roads during the time that they have been made over to the Municipal Commission, and to say on what authority Hon. claim is based. This can be put quite privately so as not to give offence

J.A.S.
18/1

Draft submitted for approval

21/1/05 Fair draft ready & submitted to Res.

A.L.
23.1

Fair draft submitted for Resident's approval.
23-1-05

Mrs Draft. File may be sent
up at the same time & Mr. Brown
to permit a return so that he
can see all the papers

Yrs.

Board Rv: 408 dy 24.1.05.

24/1/05

R. F. E.—12-04—1,000.

RESIDENT'S OFFICE.

Serial No.

File No.

No 408 d/24 January 05

[DRAFT.]—For approval.

From

R. C. H. MOSS, KING, Esq., I. C. S.,
1st Assistant to the Resident in Mysore.

D. O.

My dear Mysore

I am desired by Sir James Gourdillon to acknowledge the receipt of your D.O letter of the 14th on the subject of the relative position of the Military authorities and the Municipal Comm: in regard to the "Military roads" in the C & M Station.

2. It appears that, by an arrangement made in 1892 and renewed from time to time, about 18½ miles of Military roads have been made over to the Muni Comm, who also receive a contribution of ₹10,000 a year (half from Military Works and half from the Assigned Tract Revenues) for their maintenance. The question is how far by this action the Military authorities have surrendered control over these roads, and to what extent the Muni Comm: have acquired effective

R. P. B.—1 1·04—1,000.

(Continuation of Draft)

effective control. ~~Rem~~

3. It may perhaps be conceded that these roads originally belonged to the Military Deptt. But they are not declared in the Notification of the Govt of India noted in the margin to be in the exclusive possession of the Military authorities for military purposes, they are not marked as Military lands in the existing map of those lands, and from the strictly legal point of view sec 73 of the Bangalore Munl Law now vests them in the Munl Comm; in the admitted absence of any Notification to the contrary under Sections 5 and 6 of that law.

1 Foreign Dept Notification No.3955 I.A., dated 29th Decr 1899.
sc. 17/a of file 183 of 1899.

4. The relative position of the Military authorities and the Munl Comm in respect of these roads is therefore far from clear, I am therefore to suggest that you should write to the D.A.A.G., explaining that the question of control over these roads is one which is not free from doubt and asking him to say exactly to what

R. P. B.—1 1-04—1,000.

extent and subject to what limitations if any, control is claimed by the Military authorities over the roads which are called Military roads during the time that they have been made over to the Munl Comm^ns and on what authority these claims are based.

5. It need hardly be added that this enquiry should be couched in the politest possible form so as not to give offence.

Yours Sincerely
Sdy Rh. King

P.L.Moore Esq., I.C.S.,
President, Munl: Comm.

While Local authorities do not wish to encroach on powers which may not really belong to them, they are equally unwilling to divest themselves of duties or responsibilities which may be really theirs what is desired is a dispassionate examination of the question and a clear statement of the position from both parts

No.

D. O.

to Brigade Major.

Dear Rice

The question of the Electric light poles has drawn attention to another subject — the question of the control of the Military Roads in the station. On looking into this matter one finds that the relative position of the Military authorities & the Town Council is by no means clear.

I should be glad (a) to have the opinion on the subject of the Major Genl Commanding. What I should like to know is, to what extent are subject to what limitations, if any the Military authorities claim control over these roads and on what authority this claim is based.

The only object in making this reference is a desire to have this matter cleared up so that the different authorities may understand how they are placed and what control is vested in them.

Yours sincerely,

25/10/05

You can keep this in the Office.

25/10/05

Brig. Gen. [illegible]

From President Mumb. Comm. C. & M. Stn

No. 130 dated 21st April 1885

(Recd by me 28/4/85)

Transfer to the Municipality of the Military Roads within Municipal limits.

There are three descriptions of roads in the Civil and Military Station of Bangalore

(1) Municipal Roads,- which belong exclusively to the Municipality and are maintained from Municipal resources

(2). Suburban Roads,- i.e. Provincial Roads belonging to Govt, which pass through the Municipality- The maintenance of these roads has been entrusted to the Municipality which receives a grant of Rs: 5025/- per annum from Govt: on this account from the Budget of the C & M Station

(3). Military Roads,- i.e

Roads which belong to the Military Deptt and which have been kept to maintained by the Madras Govt: at its own cost.

2. It would seem that in January last, the Executive Engineer, Presidency Division submitted to the Municipal Board a proposition for transferring the ~~maintenance~~ charge of the above named Military Roads to the Municipality with an yearly Grant of Rs: 300 per mile. The proposal was accepted by the Board in their Resolution No: 5 dated 31 January 1885.

1885

vide Boards Proceedings pages

3 The matter seems to have been then submitted to the Madras Govt: by the Executive Engineer, Presidency Division. That Government after obtaining the consent of the H.E. the Comr in Chief,

in this Pro: No 647 d: 17 March 85

have sanctioned the transfer of the Military Roads in Bangalore to the Station Municipality. The actual length of such roads being very nearly 21 miles an annual Grant of Rs: 6300 at Rs: 300 a mile has been sanctioned in favor of the Municipality for the upkeep of the roads in question.

4 The President, Municipal Commr has now ~~submitted~~ reported x the facts of the case as above stated and submits a copy of the Proceedings of the Madras Govt above referred to, and requests the sanction of the Resident to the proposed arrangement.

He also requests that the grant of Rs: 6300 now sanctioned by the Madras Govt: may be entered in the Municipal Budget for 1886/86 under "Receipts, Transfers & Contributions"

x No 130 d: 21 April 1885.

and that a similar amount be entered under Expenditure, Public Works. A copy of the Municipal Budget corrected as above, is submitted by the President.

5. It does not appear that there is any objection to the transfer of the Military Roads to the Municipality. If this measure be approved, the necessary alterations may be made in the Mun[l] Budget for 1885/86 which is under disposal in this office.

Hd
1.5.85

Ref:

The road appears to have cost 368/- a mile in times past & Resp[t]., and the Com[rs] have not pledged themselves to maintain them for 307/- a mile - a considerable difference. However they seem to

5

no misgivings on the
Dutch, and there will
presumably be no clashing
between them & the Turkish
authorities so their proceedings
may be confirmed, and
the Treaty amended
accordingly.?

(Initd) A H M
9/5

(Initd) J.A.S.
9/5

Draft
(Initd) A H M
15/5

Drafted
(Initd) L.A 16/5.

Done
(Initd) A H M
17/5

1885.

From

Mun. & The President Mun. Commrs. Cal. & Mys.

To

Dated 21st April/85

Despatched

Received 24th "

1 Enclosures No.

No. 130

Stating that the Board has accepted the proposals by the Ex. Essex Presidency Govt. for the transfer of the Military roads within Mun. limits with the yearly grant of Rs. 300 per mile for their upkeep, and requesting sanction for making necessary provision of Rs 6,300 in the Budget.

Recd 28/4/85

Note passed
28.5.85

No. 1302 Ex

Office of the Municipal Commission,
Civil and Military Station,
Bangalore, 21 April 1885.

From

The President,
Municipal Commission,
Civil and Military Station,
Bangalore.

To

The Assistant to the Resident in Mysore,
Bangalore.

Sir,

I have the honor to inform you that in January last the Executive Engineer Presidency Division submitted a proposition for the transfer of the Military roads within Municipal limits with an yearly grant of Rs 300 per mile for their upkeep, the same was laid before the Board's meeting on the 31st January 1885, and the proposal was accepted by the Board in their Resolution No: 5 of 31: January 1885.

I beg to submit in original to be obliginply returned the Proceedings of the Madras Government No: 1584 of 24 March 85 on the subject sanctioning an annual grant of Rs 6300/- for the upkeep of 21 Miles of Military roads within Municipal limits and I request that you will be so good as to obtain the sanction of the Resident

to

Form No. 73.

188

From

The President,
Municipal Commission,
Civil and Military Station,
Bangalore.

To

The Assistant to the Resident in Mysore,
Bangalore.

Dated

Despatched.

Received.

Enclosures No.

General No.
No.

to the same and that necessary provision of Rs 6300/. be made under item Insurance and Contributions in the Receipt side of the Budget and a Corresponding amount under head "Public Works Disbursements for Repairing Military Roads within Municipal limits.

The actual Cash balance on the 31st March 1885 is Rs 14841-5-2. A copy of the Budget Corrected as above is herewith submitted

I have the honor to be,
Sir
Your most obedient
humble Servant
J. Smith
President Municipal Commission
Civil & Military Station
Bangalore

Cantonments

"Office Copy."

N. 1584

Govt. of Madras Military Dept.

From H. St. George Ackland Esqr.

17th March 1885. No. 647. W. Public Works. Ok

Government of Madras.

Public Works Department

Buildings and Roads.

Military Works.

Read the following papers:.

From Colonel A. L. Prendergast. R.E. Superintending Engineer. V. Circle. to the Chief Engineer Public Works. Department, dated Chepauk 2nd March 1885 No. 4455. —

I have the honor, to report that the Municipality of Bangalore have agreed with the Executive Engineer Public Works Department, that they will maintain the roads in the Cantonment at the rate of Rupees 300/- per mile per annum. The total length of the roads is 21 miles, as shewn in the enclosed list, and the sum proposed to be paid over to the Municipality is Rs. 6,300/-

of the Residency division

2. The average annual expenditure on these roads for the past four years has been

R

Rs 7.737. or Rs. 368-6-10 per mile. All the Mysore Government roads within the limits of the Municipality have already been made over to them, and the present proposal will place all the roads at Bangalore under one authority namely, the President of the Municipal Commission The same course is followed at Madras and in recommending that the proposal may be sanctioned, I request that early orders may be passed in order that the necessary arrangements may be made for the transfer of the roads from the end of the current month.

Mr. d. 1/25

Enclosures.

List of all roads in the Civil and Military station of Bangalore now maintained by the Madras Government.

Name of road	Length	Remarks when metal was last renewed
	Feet.	
Cavalry road	1.320.	1884-85.
Brigade cross road	830	1882-83
New market cross road	1.702	1884-85
Hospital road	2.044	1884-85
Tank lane do	800	1884-85
Dispensary do	700	1884-85
Cemetery do	1.586	1884-85
St. John's do	4125	1882-83

Name of road	Length.	Remarks. — when metal was last renewed
	Feet.	
Cathcart road	8332.	Not known.
Trinity Cross — do	660	— Do —
Osborne — do	1980	1882/83.
Dickenson — do	3300	1881/82/83.
Do Cross road	660.	1881/82
Road north of sapper parade ground	1320.	1882/83.
Road south of parade ground	1072	1884/85.
Infantry road	5362	1883/84.
— Do — Cross road	742	1881/82 & 82/83.
Fee road	1732.	1882/83.
Cathcon road or North Parade	8250.	1883/84.
Osborne cross road	350	Not known.
Plane street	999	1881/82
Union — do	990	1883/84
Railway feeder cross road	990	Not known.
Main railway feeder	412	— Do —
Compensation — do	1820	1883/84
Main guard street	1202	Not known
Wilson — do	1980	— Do —
Volunteer barracks cross road	990	1881/82
Hospital cross road	775	1881/82
Cambridge road	2640.	1883/84.
New Hospital road	1875	1882/83
Road south and west of royal horse artillery barracks	2062	1881/82
Road south west and east of Trinity church	1072	1881/82

Name of road.	Length	Remarks when metalled was last renewed
Victoria road	3300	1882/83 & 83/84
Kharkana do	2310	1883/84.
Campbell do	742	1882/83
Brunton do	1485	1883/84
Lower Agram road from Cavalry infirmary stables to M. 2nd forage yard	4950	Not Known
Nutaeunidram road	3300	Do
Road round Agram barracks	9240	1881/82
Trinity Church to Agram barracks	2145	1881/82
South parade road	7672	1882/83
St Marks cross road	990	1882/83.
Lt Marks square road	3300.	1882/83 & 83/84
North south and west of band promenade	2640	Do
Jail road	1402	1882/83.
Road from Kharkana to Cavalry Stables	2340	Not Known
Total	110,090	20 miles 7 furlongs

11/a

Statement showing expenditure in roads at Bangalore.

Year.	Amount R A.
1880-81	6.868-7-8
1881-82	8.014-8-11
1882-83	6.928-2-9
1883-84	9.139-1-9
Total	30.950-5-1.
Average.	7.737-— per annum

(Signed) W. H. Burton Colonel R.E.
Executive Engineer Presidency Division

No 424 of Pub Works.

Referred to the Military Department for favor of remarks.

Chepauk
3 March 1885

(Signed) C. Bowen Major. R.E.
Under Secretary to Govt.
Public Works Department

No.

1/C

No 1138 Military

Forwarded for favor of the opinion of His Excellency the Commander-in-Chief

2. An early reply is solicited.

(By order.)

4th March 1885. A. R. Kenny. Herbert. Lieut. Col.
Offg: Secretary to Government

To the Quartermaster-General

From the Quartermaster-General, to the Secretary to Government Military Department. dated Ootacamund, 12th March 1885 No 540. B.

In returning your reference order No 1138. dated 4th March 1885, with enclosure, I have the honor by order, to intimate that, on the recommendation of the general officer Commanding, Bangalore division, and under the circumstances set forth by the Superintending Engineer. I circle, His Excellency the Commander-in Chief approves of the proposed maintenance of the roads in the Cantonment of Bangalore by the Municipality.

No 1346. Military

Approved and transferred to the P. W. Department

2. Referred papers herewith returned.

By order.

Fort St George. 14th March 85

(Sd) A R Kenny Herbert. Lt Col
Offg Secretary to Govt.

order

1/d.

Order — dated 17th March 1885. No 647. W. Public Works

The proposal is sanctioned. The roads in question will accordingly be handed over to the Bangalore Municipality with an annual grant of Rs 6.300/- to be provided in the Military works Budget.

(True Extract)

(sd) J. Shaw Stewart. Colonel. R.E.

Secretary to Govt. P. W.D.

To.

The Superintending Engineer. E. circle.

Examiner Public Works Accounts.

Military Department.

Order. — Communicated to His Excellency the Commander-in-chief.

(True Extract)

(sd) A. K. Herbert Lt. col

offg Secy to Govt

Examined

(sd) E. Fernandez.

To.

The Dy. Insp. Genl. & Asst. Genl. for information

No 393. Quarter Master Genl's office Bangalore Dy.

Bangalore dy. 28th March 1885

Forwarded to the President Mun. Commissn for information and record.

(sd) G. Sunley Lieut. Colonel

Asst Quarter Master General Bds

1885

Buildings & Roads.
Military Works.

Govt. of Madras
Public Works.

Dated March 17th

Received En:

G.O. 17th March 1885. No. 647. W.

Roads in the Cantonment
of Bangalore. ——
Transfer of maintenance of ——
to the Municipality, sanctioned.

No. 431/21

Office of the Resident in Mysore
& Bangalore 10th May 1885

To

The President, Mand Comm
C & M Station of Bangalore

Sir,

I am directed to acknowledge the receipt of your letter No. 130 dated the 21st April 1885, reporting that the Municipal Board have in their Proceedings dated the 31st January 1885, accepted the charge of maintaining the Military Roads in the C & M Station of Bangalore, and that the Madras Government have in their Proceedings No. 647 W dated 17th March 1885 in the P. W. Dept. sanctioned the transfer of the roads to the Municipality with an annual

grant of Rs. 6300/- for
their upkeep.

2. In reply, I am to say that the Resident ~~sanctions the proceedings of the Council in~~ has been informed by the Municipal Board in the matter, ~~and~~ that ~~the~~ the necessary provision of Rs. 6300/- will be made in the Municipal Budget for 1885/86, under the head "Transfers & Contributions on the Receipt side, and ~~of a similar sum~~ ~~&c~~ ~~&c~~ under the head "Public Works on the Disbursement side.

3. The Proceedings of the Madras Government received with your letter are herewith returned.

I have &c

Illegible
17/5

Asst: to the Resident

HD
16/5/85

A manuscript copy of these Pro may be made & kept in this Office for reference

HD
15/5/85

No 21. 1005

To,

The President
Municipal Council
Cochin Sta.

Dy 10th May/05
Enc No 1

No 431
21